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Further implementation of the Madrid International Plan of Action on Ageing, 2002

Report of the Secretary-General

Summary

The present report, which is submitted in response to resolution 47/3 of the Commission for Social Development, presents the priorities of Member States for the coming years and sets out their views on mechanisms for improving the implementation of the Madrid International Plan of Action on Ageing, 2002, as well as options for future modalities for the review and appraisal process.

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I. Introduction

1. In its resolution 47/3, the Commission for Social Development invited Member States to determine their priorities for the coming years by, inter alia, building on achievements identified during the first review and appraisal process, while paying special attention to areas where shortcomings were identified. The present report is submitted in response to that request. The Commission requested the Secretary-General to seek the views of Member States regarding mechanisms for improving the implementation of the Madrid International Plan of Action on Ageing, 2002,[1] and options for future modalities for its review and appraisal, including on the basis of the previous report of the Secretary-General.[2]

2. Section II of the present report includes a brief summary of the major findings of the first review and appraisal of the Madrid International Plan of Action on Ageing, 2002, conducted by the Commission for Social Development at its forty-fifth and forty-sixth sessions in 2007 and 2008. The report also contains a summary of responses from Member States and Permanent Observers to a note verbale and statements made in the General Assembly at its sixty-fourth session. Additional information was provided by focal points on ageing in United Nations regional commissions. The report also considers discussions and developments at the intergovernmental level regarding future priorities in the field of ageing, including the possible format for the second review and appraisal exercise in 2012.

II. Overview of the modalities and findings of the first review and appraisal

3. The Madrid International Plan of Action on Ageing, 2002, identified the Commission for Social Development as the intergovernmental body responsible for the overall review and appraisal of its implementation. At its forty-first session, in February 2003, the Commission agreed to adopt a bottom-up narrative approach to review and appraisal. In its resolution 44/1, the Commission invited all major stakeholders, including civil society, to participate in the review and appraisal and to contribute to its various activities and events. Member States were invited to undertake an initial identification of actions taken since the Second World Assembly on Ageing in 2002 and to identify specific areas for in-depth participatory inquiries. At its forty-fourth session, in February 2006, the Commission adopted procedures and a calendar for the first review and appraisal cycle. Following participatory consultations at the national level, the approach called for a sharing of experiences among Governments at regional gatherings organized by the United Nations regional commissions. Member States were invited to include both ageing-specific policies and ageing-mainstreaming efforts in their reporting.

4. The regional findings contributed to the overall review and appraisal exercises conducted by the Commission for Social Development at its forty-fifth and forty-sixth sessions in 2007 and 2008, respectively. The format included a plenary debate and a series of panel discussions and events related to the theme "Addressing the challenges and opportunities of ageing". The Executive Secretaries of the United

[1] *Report of the Second World Assembly on Ageing, Madrid, 8-12 April 2002* (United Nations publication, Sales No. 02.IV.4), chap. I, resolution 1, annex II.

[2] E/CN.5/2009/5.

Nations regional commissions presented the findings of their respective meetings. Member States also forwarded 65 reports on national implementation. They provided information on both successes achieved and obstacles encountered by Governments in implementing the Plan and gave a panoramic overview of national policy priorities.[3] The outcome of the review was set forth in Commission resolution 46/1.

5. Through the process of review and appraisal, Member States identified various priority issues and described strategies and policies in response to the demographic ageing of their societies. As described in the report of the Secretary-General to the Commission for Social Development at its forty-seventh session,[2] common priorities in all regions included: (a) establishing sustainable systems of social protection; (b) encouraging the participation of older persons in the labour market; (c) meeting the growing demand for quality and accessible health care in general and long-term care in particular and; (d) guaranteeing the rights and participation of older persons in society.

6. The need to develop, strengthen or preserve systems of social protection for older persons was identified as a common pressing issue. Historically, most developed countries have provided universal pensions and a basic floor of benefits and services. The current concern is to ensure the integrity and financial viability of those systems for future generations. In developing countries, many older persons no longer can rely on support provided by families, and efforts are under way to extend social protection from a small base that generally covers only workers in the formal sector. Evidence shows that coverage is generally low, payment levels are often inadequate to cover needs, and pensions are rarely indexed to inflation, which means that they lose value over time. With the numbers of older women and older persons who live alone continuing to grow, ensuring the adequacy of pensions has taken on increasing importance. In a growing number of developing countries, social (non-contributory and both universal and means-tested) pensions have been introduced and contribute substantially to reducing poverty rates among older persons.

7. Population ageing has a major impact on the structure and composition of the labour force. Countries with low fertility rates, whether developed or developing, have already experienced the early effects of the ageing of the workforce. Policies that encouraged early retirement in order to expand employment opportunities for younger workers are being reconsidered as life expectancy continues to increase and concerns over pension commitments and sustainability mount. Considerations include raising the retirement age (or eligibility for full pension benefits) and indexing programmes to changes in life expectancy or the old-age dependency ratio. As more older people continue to work longer, concern has also grown over the possibility that existing skills will fall short of requirements, particularly in the application of new technologies. Efforts are being made to expand opportunities for older workers to participate in lifelong learning and on-the-job training programmes. In many developing countries, employment often provides the sole source of income for older persons. The majority of men aged 65 and older in the least developed countries continue to work.[4] A major challenge is to create or

[3] For detailed analysis and results of the first review and appraisal see E/CN.5/2008/2, E/CN.5/2008/7 and A/63/95.

[4] *World Economic and Social Survey 2007: Development in an Ageing World* (United Nations publication, Sales No. 07.II.C.1).

expand social pension schemes to support those workers and to enable them to retire with dignity and security. In all countries, consensus is growing that older workers who wish to remain active in the labour market should be encouraged and enabled to do so.

8. Globally, as more people can expect to live longer lives, public health sectors are challenged to ensure access to affordable, quality health and care services. Quality health care integrates preventive, curative and rehabilitative measures within a continuum of services, including palliative care. Enhanced training in geriatrics is required to ensure that services are appropriate to the needs of older persons. Increasing the focus on preventive medicine within a continuum of care can also help to control rising health-care expenditures, delay the onset of disabilities and reduce the need for long-term care.

9. Support for caregivers, particularly family caregivers, is increasingly recognized as a priority since, in most countries, families continue to provide the overwhelming proportion of daily care to older members. It is generally accepted that institutionalization is a less desirable, although sometimes necessary, option for providing care to older persons. "Ageing in place", whereby communities, voluntary organizations and Governments assist family caregivers in providing services in the home and community, is considered an attractive and viable option. Adapting environments to support older persons with housing and transportation is also essential to promote ageing in place and to reduce the need for institutionalization. Adjustments to infrastructure and the built environment, particularly the use of universal design concepts that reduce physical barriers and promote accessibility for all, will enable older persons to stay in their homes and accustomed environments longer. Such efforts prove less costly but require extensive coordination and time, and the extent of support remains limited. With expected increases in the number of very old people, who are at greatest risk of dependence, greater attention to requirements for care and how it can best be provided will be urgently needed.

10. Confronting age-based discrimination and promoting the empowerment of older persons are fundamental to ensuring their continued participation in society and greater respect for their rights. Some Member States have adjusted their domestic legal frameworks to better promote and protect the rights of older persons, through the promulgation of special rules and regulations. Some have also developed advocacy, training and intergenerational education programmes. Negative stereotypes of ageing and older persons persist, however, and can reinforce their feelings of inferiority as well as their ability to participate in society; greater, sustained efforts are required to overcome them. Because older persons do not form a homogeneous group (in terms of poverty level, physical independence and support needed), and because they are traditionally not well-organized or well-informed, especially in developing countries, special efforts may be required to promote and sustain their participation. Older persons should be encouraged to be actively involved in developing and implementing policies that directly affect their well-being, including through participation in associations that help to articulate their concerns and affirm their rights. They may be empowered through initiatives that allow them to share their knowledge and skills with younger generations. Older persons can also represent powerful voting blocks in countries where their political participation remains high.

11. Recently, efforts to codify the rights of older persons have gained support in some countries and regions. The empowerment and participation of older persons in society is a fundamental concern of the Madrid Plan of Action; empowerment and the realization of all human rights and fundamental freedoms of all older persons are among the 11 central themes of the Plan of Action.[5] Human rights, participation and empowerment are closely linked: the rights of older persons cannot be approached solely as a judicial or legal issue. Participation and empowerment are essential to claiming rights. Empowering older persons requires more than simply asking their opinions; it calls for their meaningful participation and engagement in decision-making. Evidence from around the world suggests that international and constitutional human rights instruments are not always sufficient to guarantee the fulfilment of rights.[6] Unless there are sufficient and appropriate mechanisms for exercising rights, they may remain unfulfilled. When older persons are marginalized and lack access to information, they may become further disempowered. Empowering older persons will not only benefit them, but will also benefit the rest of society, as they are enabled to remain productive and contributing citizens.

III. Priorities for implementation of the Madrid International Plan of Action on Ageing, 2002

12. The views of Member States and Permanent Observers on how to improve the implementation of the Madrid Plan of Action were sought by means of a note verbale dated 7 July 2009. To date, 55 replies have been received.[7] Respondents were invited to provide views on whether implementation of the Madrid Plan of Action could be strengthened if the rights of older persons were recognized as one of the priority themes. They were further requested to consider various approaches for promoting that priority. Respondents were also invited to provide views on the procedure for the future review and appraisal of the Madrid Plan of Action. The United Nations regional commissions were also invited to provide input.

13. In their responses and additional comments, Member States and Permanent Observers indicated continued support for the 11 central themes and the framework contained in the Madrid Plan of Action. These include, inter alia, the full realization of all human rights and fundamental freedoms of older persons; the empowerment of older persons to fully and effectively participate; opportunities for individual development, self-fulfilment and well-being throughout life; the full enjoyment of civil, cultural, economic, political and social rights and the elimination of all forms of violence and discrimination against older persons; the importance of families, intergenerational interdependence and solidarity for social development. The Plan of

[5] *Report of the Second World Assembly on Ageing, Madrid, 8-12 April 2002* (United Nations publication, Sales No. 02.IV.4), chap. I, resolution 1, annex II, paras. 12 (a) and (c).

[6] HelpAge International, "Why it's time for a convention on the rights of older persons", London, 2009.

[7] Algeria, Argentina, Armenia, Aruba, Australia, Austria, Bahrain, Barbados, Belarus, Belize, Brazil, Bulgaria, Burkina Faso, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Ecuador, Fiji, Finland, the former Yugoslav Republic of Macedonia, France, Greece, Iraq, Lebanon, Mali, Malta, Mexico, Moldova, Monaco, Namibia, New Zealand, Oman, Panama, Peru, Philippines, Portugal, Qatar, Romania, Russian Federation, Saint Lucia, Slovakia, Spain, Switzerland, Togo, Tunisia, Uruguay, Viet Nam, Permanent Observer of the Holy See and Permanent Observer of Palestine.

Action emphasized that the promotion and protection of all human rights and fundamental freedoms, including the right to development, are essential for the creation of an inclusive society for all ages. Of the 55 respondents, 50 agreed that the implementation of the Madrid Plan of Action could be strengthened if the rights of older persons were recognized as one of the priority themes. A few stated that the Madrid Plan of Action is a commitment to promote the rights of older persons and emphasized the importance of the right to development, while another indicated that the rights of older persons are actually an overall reference framework for the development and implementation of all priority themes on ageing.

14. Many respondents recognized that large numbers of older persons continue to be marginalized, both economically and socially. One noted that this may be because the approach to ageing remains essentially "welfarist" and that that approach has had a negative effect on the issue of the rights of older persons. Some Member States indicated that a focus on rights would facilitate the development of specific initiatives to support the independence and empowerment of older persons. This included the right to work and contribute to society; they might also more readily address specific problems of abuse, neglect, discrimination and violence. A large number were particularly concerned about social inclusion, social cohesion, intergenerational solidarity and building a society for all ages. They viewed a focus on the rights of older persons as a way to achieve those goals. One response noted that the Convention on the Rights of Persons with Disabilities showed that human rights and social development are complementary approaches which assist in addressing major social challenges. Furthermore, addressing ageing without promoting the rights of older persons will lead to their further marginalization and disempowerment in society.

15. In summary, there was near universal support for ensuring that the human rights of older persons are promoted and protected; however, further discussion is required on the most appropriate way to ensure that protection. The Economic Commission for Europe pointed out that the first review and appraisal in that region concluded that older persons have the same rights as any other age group and that talking about the rights of older persons suggests that they are a distinct, homogeneous special group that needs rights that are not applicable to people of other ages. To focus on rights would divert attention from ageing-specific policies needed to improve the quality of life of older persons. The Economic Commission for Latin America and the Caribbean noted that articles 25 and 26 of the Brasilia Declaration, adopted in 2007 at the Second Regional Intergovernmental Conference on Ageing in Latin America and the Caribbean: towards a society for all ages and rights-based social protection; state that signatories pledged to consult with their Governments to promote the drafting of a convention on the rights of older people. A series of follow-up regional meetings were convened to further explore the issue. Steps were being taken by some Member States in the region to consider the development of a regional convention, through the Organization of American States.

16. Several Member States indicated that they have well-developed national anti-discrimination legislation. Regional instruments also exist, although these may focus on different implementation priorities for the Madrid Plan, particularly intergenerational solidarity and mainstreaming efforts. It was indicated that 2012 will be the European Year of Active Ageing and Intergenerational Solidarity. Several European countries referred to the regional implementation strategy of the

Economic Commission for Europe, adopted after the Madrid Second World Assembly on Ageing, as the particular focus of their efforts.

17. The respondents that agreed with the idea of focusing the priority theme for implementation of the Madrid Plan on the rights of older persons were requested to consider the preferred approach for doing so. The note verbale suggested specific approaches: (a) appointing a special rapporteur on the rights of older persons; (b) establishing a working group on older persons and ageing at the regular sessions of the Commission for Social Development; (c) developing a new legal mechanism, such as a convention on the rights of older persons or; (d) another approach, which Member States could elaborate on. A wide range of views was expressed concerning methodology, objectives and combinations of the suggested approaches.

18. The appointment of a special rapporteur on the rights of older persons as a single choice drew support from four respondents for a variety of reasons. Respondents generally took one of three positions on the role of a special rapporteur: (a) to advocate and serve as a "watchdog", promote respect for the rights of older persons and raise awareness of ageing and the Madrid Plan of Action; (b) to provide technical assistance to help Member States to implement the Madrid Plan, monitor its implementation and contribute to preparing the second review and appraisal exercise in 2012 or; (c) to study the rights of older persons, establish dialogue with Member States on rights and on improving the situation of older persons, and seek consensus on whether or not a convention is needed. It should be noted that the note verbale made no reference to the body that should appoint a rapporteur; one response suggested that the appropriate body would be the Human Rights Council.

19. Thirteen respondents made a single choice in favour of the establishment of a working group to meet during regular sessions of the Commission for Social Development. A few responses indicated that the group could serve as a forum to discuss the situation of older persons, determine priorities for action, share best practices and coordinate policy. Others suggested it could function as a forum for Member States to discuss the promotion of the rights of older persons, the empowerment of older persons and the sensitization of public opinion. Some respondents saw the working group as a forum for moving towards a convention, either through discussion or launching a feasibility study on a possible legal instrument.

20. The responses of the 14 that chose the development of a new legal instrument or convention on the rights of older persons as their single choice focused on several aspects. Some identified a normative gap in existing human rights instruments relating to older persons and suggested that a new legal instrument would serve to complement and build upon existing legislation. Others emphasized that a new legal instrument would encourage Member States and the international community to take more concerted action on giving priority to issues of ageing and older persons. The monitoring and accountability involved in implementing such a convention would be of particular benefit.

21. Nineteen respondents selected a combination of the three approaches or an alternative approach, which are not, in fact, mutually exclusive. They expressed the view that combining approaches could assist both Member States and the Commission for Social Development in drawing attention to the issues of ageing and older persons and in taking further action on their behalf, while allowing

ongoing deliberation on the possible development of a convention. An overall analysis of the responses received indicates that the majority of respondents favour focusing the future implementation of the Madrid Plan on the priority theme of the rights of older persons; however, they also consider it necessary to devote additional time to discussing the benefits and drawbacks of the different approaches to doing so.

22. Further clarification is provided in the comments of Member States and Permanent Observers on the various options, contained in annex I of the present report.

IV. Procedures and suggested calendar for the second review and appraisal of the implementation of the Madrid Plan of Action

23. The aforementioned note verbale also sought responses from Member States and Observers to four options proposed by the Secretariat for the second cycle of review and appraisal. The four, non-exclusive procedures suggested were: (a) Governments would complete a questionnaire sent by the Secretariat; (b) an open method of coordination would be adopted;[8] (c) national review and appraisal would be undertaken at the discretion of Governments, with analysis and consolidation of national findings at the regional level at forums (ministerial conferences, seminars, etc.) organized by the United Nations regional commissions, and further analysis and consolidation of regional findings at the global level undertaken by the Commission for Social Development, using a procedure similar to the one adopted for the first review and appraisal and; (d) a special rapporteur would be appointed to monitor the implementation of the Madrid Plan of Action. Member States and Permanent Observers were also invited to submit proposals of their own.

24. Thirteen respondents preferred to complete questionnaires; 20 opted for the open method of coordination; 27 recommended maintaining the modalities of the first review and appraisal; and 10 recommended appointing a special rapporteur to monitor the implementation of the Madrid Plan. The numbers indicate that the majority prefer to continue the review and appraisal of the implementation of the Madrid Plan as conducted in 2007/2008, with more emphasis on an open method of coordination. It should be noted that some chose more than one option. Further clarification was provided in the comments of Member States and Permanent Observers on the various options, contained in annex II of the present report.

25. Combining the procedure followed for the first review and appraisal with the open method of coordination could provide a balance between a narrative, bottom-up participatory approach and an approach favouring the collection of quantitative data. This could be enhanced through the elaboration of benchmarks and indicators

[8] The open method rests on mechanisms such as guidelines, benchmarking and sharing of best practices. After specific benchmarks and indicators to measure best practice are agreed upon, results are monitored and evaluated. United Nations publications *Guidelines for review and appraisal of the Madrid International Plan of Action on Ageing* and *Guide to the National Implementation of the Madrid International Plan of Action on Ageing* serve as blueprints for this method of policy evaluation.

at the regional level and could lead to a more comprehensive second review cycle. The indicators listed in the *Guidelines for review and appraisal of the Madrid International Plan of Action on Ageing*[9] might provide a basis for further discussion, although they would have to reflect differing regional policy priorities.

26. Given that the second cycle of review and appraisal would need to begin soon, it is important that the Commission consider establishing the overall calendar. Following the approach adopted for the first review cycle, the second cycle would likely conclude with a global review exercise conducted in the context of the Commission for Social Development at its fiftieth session in early 2012. If that assumption is correct, the following calendar may be proposed:

(a) The Commission for Social Development would decide on the timing, modalities and theme for the second review and appraisal at its forty-eighth session, in 2010;

(b) During 2010, Member States would determine their priorities for review and appraisal and undertake an assessment, including identifying laws and implementing regulations, institutions, policies and programmes introduced or altered since 2007/2008, in response to the Madrid Plan of Action. Countries would also review the national ageing situation. In so doing, each country would have identified the specific areas for participatory inquiries by the end of 2010;

(c) Also during 2010, deliberations would be conducted by the United Nations regional commissions to determine specific benchmarks and indicators to measure best practices, according to the open method of coordination;

(d) Member States would present their priorities to the Commission for Social Development at its forty-ninth session, in 2011;

(e) National and regional processes of review and appraisal would begin thereafter. Countries would review and appraise the national policies and strategies previously identified. Upon request, the regional commissions, in cooperation with other entities, would assist countries in conducting national activities;

(f) Information on the initial experience and good practices in organizing and conducting bottom-up participatory evaluations at the local and national levels would also be collected, analysed and presented to the regional commissions;

(g) During the second half of 2011, regional commissions would convene regional conferences, pending availability of sufficient resources, to consider the findings of the national reviews, share experiences and good practices and identify priorities for future action. The regional commissions would submit the conclusions of these review and appraisal conferences and individual national reports to the Commission for Social Development in 2012;

(h) The Commission would conduct, at its fiftieth session in February 2012, the global segment of the second cycle of review and appraisal. The modalities of review could include a general debate in plenary combined with discussions at a series of round tables on selected priority topics. A series of parallel events, including panels, workshops and seminars organized by stakeholders, could also be conducted. The conclusions of the second review and appraisal cycle, including any

[9] http://www.un.org/esa/socdev/ageing/documents/MIPAA/GuidelinesAgeingfinal13%20Dec2006.pdf.

new priorities, emerging issues and related policy options, would be contained in the Commission's report on its fiftieth session.

V. Conclusion and recommendations

27. **There appears to be considerable interest within the international community in further exploring the human rights dimension of ageing, to improve the implementation of the Madrid Plan of Action at all levels. It is also clear that Member States, while expressing agreement with the modalities of the first review and appraisal of the Plan of Action, would like, according to their particular circumstances, greater flexibility in the methodology used to complete the second review and appraisal cycle. A significant number of countries also expressed interest in strengthening the second cycle by adopting an open method of coordination.**

28. **With regard to the preferred approach for strengthening the implementation of the Madrid Plan of Action, Member States may wish to establish a working group within the regular sessions of the Commission for Social Development, to further pursue discussions on the most appropriate ways and means of promoting and protecting human rights for older persons.**

29. **Concerning the procedure to be adopted for the second cycle of review and appraisal of the implementation of the Madrid Plan, Member States may wish to decide that the second review and appraisal follow the set procedure of the first review and appraisal exercise, combined with the open method of coordination.**

30. **In addition, Member States may wish to consider the calendar proposed in this report and delineate the timeline for activities at all levels, concluding with the global review in the Commission for Social Development, at its fiftieth session in 2012.**

31. **Member States may wish to consider adopting the theme "Empowerment, protection and promotion of human rights for older persons" for the second review and appraisal cycle.**

Annex I

Selected additional comments and clarifications by Member States and Permanent Observers regarding the priorities for the implementation of the Madrid Plan of Action, including whether the implementation of the Plan could be strengthened if the rights of older persons were recognized as one of the priority themes

1. In general, Member States and Permanent Observers considered that the Madrid Plan is based on the recognition of the rights of older persons. Some pointed to a growing concern about the vulnerable situation of older persons in many countries, including their inability to exercise and claim their rights. Ecuador noted that the promotion, protection and defence of the human rights of older persons are a fundamental prerequisite to the construction of a more just society. Brazil stated that older persons have special needs and vulnerabilities that are not adequately covered under existing human rights instruments and that the Madrid Plan could provide a basis for the formulation and implementation of national and international public policies from a human rights perspective. The Philippines, while agreeing that the human rights of older persons are a priority, stated that human rights should not be just one priority theme but an overall reference framework in the development and implementation of all priority themes.

2. Panama sees the Madrid Plan of Action as an international commitment to protect the rights of older persons and has acted accordingly in the development of its national legislation. Spain noted that the recognition of the rights of older persons is a step forward in improving the protection of their rights. Tunisia noted that recognition of the rights of older persons enables Governments to move ahead in developing legislation, with the requisite budgets for strategies and programmes, that will promote social cohesion. Greece believes that the Madrid Plan of Action is not just a text but a philosophy and the cornerstone to building a society for all ages. Cyprus stated that the focus on human rights will lead to a more holistic approach to the implementation of the Madrid Plan. Oman said that a focus on human rights would lead to the provision of the facilities necessary for the promotion of social integration. The former Yugoslav Republic of Macedonia supported a focus on human rights as a priority issue, but also mentioned the issue of the empowerment of older persons and other priorities mentioned in the report of the Secretary-General on the further implementation of the Madrid International Plan of Action on Ageing: strategic implementation framework.[a] Burkina Faso sees the focus on human rights as an opportunity to move beyond generalities and to address specific issues for older persons. In addition, respect for the human rights of older persons will lead to the implementation of actions by Governments.

3. Some respondents referred to specific challenges faced in their countries. For example, Lebanon stated that the rights of older persons may be overlooked because their issues are often still viewed through a welfare prism, which has delayed legislation on the protection of their rights.

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[a] E/CN.5/2009/5.

4. Portugal, while agreeing that the rights of older persons could be a priority theme for implementation, pointed out that some countries have moved beyond the stage of ensuring the rights of older persons. Many Governments face resource constraints, and have been unable to complete priorities and mainstreaming ageing into the wider policy arena. Portugal suggested that, if those issues could be resolved, the Madrid Plan could be a much better tool for the protection of rights "already clearly recognized in several human rights treaties and other international instruments".

5. Denmark, France, Monaco and Switzerland did not agree that the priority focus should be on human rights. Both France and Monaco stated that the fight against discrimination in general already ensured the rights of older persons, and France suggested that efforts should focus on intergenerational solidarity, which it viewed as more essential to the improved functioning of society. Switzerland stated that a report on a social policy theme should not necessarily serve as a vehicle to promote a normative approach to the rights of older persons, the benefits of which are not clear at this time. Denmark stated that both the Madrid Plan of Action and the Berlin and León Ministerial Declarations were sufficient policy documents and saw no necessity for a special rapporteur or convention or a focus on human rights.

6. Some of the respondents that supported a single option to develop a new legal mechanism such as a convention offered additional specific comments on the need for and benefits of a new instrument. Argentina noted that there is added value in an international instrument that is legally binding and that can standardize the rights of older persons and establish accountability mechanisms. Chile stated that a convention would complement the Madrid Plan of Action by eliminating the normative gap in current international legal instruments. Mali pointed out that a convention would not only improve the situation of older persons, but also lead to their further involvement in the wider society. Cuba believed that it was important to establish a reference point, with the consensus of Member States, that allowed for the extension and universality of the rights of older persons. This would be adapted, as necessary, to the context of each country. Togo believes that the elaboration and adoption of a convention would enable States Parties to recognize the growing numbers of older persons and take early action to protect their rights. Qatar noted that the results of the review and appraisal must be consolidated by the Commission for Social Development, to realize the objectives and reveal the obstacles to the implementation of the Plan of Action, in preparation for elaborating common standards and achieving a convention. Iraq noted that it is essential that a convention be developed to address a growing population group in need of health care, care and social services, employment and social inclusion.

7. Several of the respondents that favoured forming a working group on older persons and ageing within the regular session of the Commission for Social Development expressed specific objectives for the proposed group. Some favoured using the working group as a forum to discuss the rights of older persons, while others favoured using it to discuss a new legal instrument.

8. Armenia stated that discussions within a working group could produce proposals on improving the situation of older persons by implementing different mechanisms and, if necessary, developing new legislation. According to Finland, a working group would bring continuity to the implementation of the Madrid Plan of Action; the group could discuss what kind of legal mechanism or instrument would

be most effective to implement the Madrid Plan and promote the rights of older persons. Finland also stated that it would be willing to discuss the possibility of commissioning a United Nations feasibility study on a new legal mechanism. Romania believed that a working group could gather the various perspectives of the Member States, with a view to elaborating a new legal instrument. Saint Lucia and the Permanent Observer of the Holy See indicated that a working group should lead to the development of a legal instrument that would set out responsibilities and establish accountability, thereby encouraging Member States to take action. Algeria noted that a working group would promote the involvement of Member States in the implementation of different texts and instruments relating to older persons and promote common agreement among members of the international community.

9. Portugal stated that a working group should identify areas where policy coordination required strengthening and share best practices, before pursuing any other options. Mexico stated that the working group could determine priorities to empower older persons, promote their rights and sensitize the public to their situation. Moldova considered that a working group would facilitate the exchange of national and international good practices on the protection of the rights of older persons.

10. Respondents that favoured the appointment of a special rapporteur on the rights of older persons expressed a variety of ideas about his or her mandate. These included promoting and advocating for older persons; monitoring the implementation of the Madrid Plan of Action; providing technical assistance; and working towards the elaboration of a convention. Several Member States considered that a special rapporteur would support and complement the activities of a working group in the Commission for Social Development. Fiji indicated that a rapporteur could monitor the implementation of the Madrid Plan of Action. Austria considered that a special rapporteur would serve as an advocate and watchdog to promote respect for the rights of older persons globally. In addition, Austria stated that a working group might be charged with monitoring the implementation of the Madrid Plan and preparing the next review and appraisal in 2012, focusing on the priority theme of the rights of older persons. Australia noted that a rapporteur could raise the profile of the rights of older persons, in accordance with the Madrid Plan and relevant existing human rights conventions.

11. Brazil proposed that, in addition to setting up a working group, a special rapporteur should be tasked with carrying out a study on the rights of older persons in national and regional contexts. The study could be used to establish consensus on the need for a convention, perhaps within the context of regional mechanisms. The mandate of the rapporteur should include the compilation of data and the identification of problems and characteristics of the situation of older persons in each region of the world. This information could eventually contribute to building consensus on the need for a convention. Colombia stated that the rights of older persons would be strengthened globally by the appointment of a special rapporteur, who would encourage countries to work on the economic, social and cultural rights of older persons. This would allow each State to establish its own obligations, in accordance with its particular situation. A special rapporteur could achieve a new political consensus and open up a social dialogue that would improve the situation of older persons.

12. Peru considered that all three options would work according to a time frame. For instance, the appointment of a special rapporteur could be decided by the Human Rights Council and adopted in the short term, while a decision to establish a working group in the Commission for Social Development could be made during the current session and operationalized by 2011. Peru favoured the elaboration of a convention but understood that the process would take time. Uruguay considered that either a special rapporteur or a working group would provide an adequate mechanism to work on the rights of older persons in the short term, with a view to developing a convention in the medium to long term.

13. Lebanon indicated that all the approaches had merit and suggested that consideration be given to establishing a technical unit headed by the proposed special rapporteur, whose mandate would be to provide expert advice and other assistance to Member States to develop, finance and legislate support systems for older persons.

14. The Russian Federation stated that the Commission for Social Development should play a central role in improving the situation of older persons and that the development of any human rights instruments should be decided through discussions in that forum. New Zealand stated that it was open to discussing the various options put forward in the note verbale, since a greater and more informed debate on the issue is required.

15. Belarus, Belize and Costa Rica indicated that a special rapporteur, a working group and a convention should all be considered. Costa Rica detailed further objectives and methods to raise the importance of the rights of older persons at the national, regional and international levels and suggested that a consultative forum of older persons should be formed to supervise compliance with the provisions pertaining to their rights.

Annex II

Selected additional comments and clarifications provided by Member States regarding the procedure to be adopted for the second cycle of review and appraisal

1. Fiji and the Republic of Moldova stated that questionnaires completed by Member States would be the most effective procedure; the Republic of Moldova further stated that this procedure would make it possible to conduct quantitative and qualitative analyses of implementation. Australia indicated that a questionnaire, combined with the modalities of the first review and appraisal, would make it possible to collect more in-depth information for analysis and consolidation at the regional and global levels. Romania stated that the questionnaire procedure is fast and easily executed and suggested combining questionnaires with ministerial conferences or seminars to consolidate the data. Cuba wrote that questionnaires could identify areas for which no data or information had been collected and indicate policy areas that had been neglected and lacked resources.

2. Expressing its preference for the open method of coordination, Ecuador suggested establishing a national computer-based monitoring system that would be continuously updated with changes in policies on demographic ageing and older persons. Brazil emphasized that the exchange of best practices was important to enable greater cooperation in promoting the rights of older people. It was equally important to establish guidelines and indicators, since they would provide a better picture of the situation of older persons in different regions and would highlight differences between rural and urban areas. A discussion on voluntary targets could be a positive process, in line with other international initiatives in the area of human rights. Qatar believed it was essential to adopt the open coordination method in analysing and consolidating national results at the regional and international levels.

3. Finland suggested that the open method could include peer reviews, indicators, conferences and networks, which would elaborate and share best practices. The Holy See saw advantages in that procedure, which would involve the participation of older persons and other stakeholders and could continue to promote a bottom-up, participatory approach. Taking into consideration the diversity of Member States, Austria suggested holding discussions on the findings of the open method at the regional level. Belize recognized the importance of the open method, since it gave greater emphasis to guidelines and indicators, which need to be improved. The Economic Commission for Europe recognizes that, in national monitoring and evaluation exercises, Governments are increasingly requested to refer to internationally developed and collected indicators. The second cycle of review and appraisal should therefore include elements of the open method of coordination combined with the procedure used for the first review and appraisal.

4. Twenty-seven Member States endorsed reviving the procedure established for the first review and appraisal. In particular, Austria, Costa Rica, Mali, Mexico and the Philippines emphasized the importance of the regional review activities that result from national assessments. Costa Rica also emphasized the importance of the participation of older persons in the review and appraisal process. Colombia pointed out that there must be an analysis of progress by Governments with respect to ageing and old age, given that the ageing demographic is increasing and policies must be globalized and analysed in the region as a whole. Regional forums enrich

countries because it allows them to share experiences. The Russian Federation believed that conducting a national review on the situation of older persons provided an opportunity, at the preparatory stage of work, to identify gaps and take the necessary action to promote the interests of older persons at the local and national levels. Portugal stated that the bottom-up, participatory approach required strengthening and suggested that the impact of the global economic crisis on older persons should be considered as a priority in the next review and appraisal. Austria suggested that the organization of a global, high-level conference should be considered.

5. Ten Member States supported the appointment of a special rapporteur. Argentina suggested that the mandate for a rapporteur should be established through comprehensive and inclusive negotiations among all Member States. He or she would act as a catalyst for best practices, strengthening international technical cooperation on ageing. Peru proposed that the special rapporteur could help to promote more effective implementation of the Madrid Plan by Member States. In addition to appointing a special rapporteur, the Philippines recommended establishing a separate office on the protection of the rights of older persons under the United Nations umbrella. Mali stated that a special rapporteur could take recommendations from the regional review meetings to the national level, to promote further implementation of the Madrid Plan.